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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment Of The Commission's Rules)
To Allow Organizational Licensing on GMRS)

RM-9107

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To: The Commission

REPLY COMMENTS ON A PETITION FOR RULEMAKING

In accordance with the Administrative Procedure Act and Commission rules, Kenneth J. Collier hereby replies to comments filed with the Federal Communications Commission in the matter of RM-9107, a rule making to amend Part 95A of the Commission's rules to allow public service organizations and tax exempt business to apply for organizational licenses for the General Mobile Radio Service (GMRS). Mr. Collier is the original Petitioner of RM-9107

WHAT HAS CHANGED - 1997

Some of those commenting in opposition to RM-9107 argued that the contents of my petition had already been considered by the Commission, nearly ten years ago. This may be true. However, the nature and number of users on GMRS itself has changed since the Commission's ruling.

The Commission previously ruled against organizational licensing because it did not wish to see commercial users "over run" the service. In 1997 most of the commercial entities on the service have lost their "grandfathered" licenses due to addition of mobile units, change of control point, etc. (All actions that require a major modification to the license, and therefore cancel it.)

Combine this with the declining number of personal licensees in the service (the GMRS has a very low number of users per channel when compared to other services) and one begins to question whether the allocation is truly an efficient use of the limited radio spectrum available.

Allowing limited organizational licensing will better utilize the limited GMRS allocation, while providing higher capabilities to groups whose activities benefit the public good. No longer should there be a fear the operation of these organizational licensees will choke out the personal users of the GMRS.

The number of useable repeater stations on the GMRS will also increase. Few personal users of the GMRS have enough money to establish and maintain such a station. Organizational licensees are better able to pool their resources, and often set aside one

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CTCSS tone in their repeater for use by personal users. Currently there are few GMRS repeater stations outside of all but the most metropolitan areas. A return to limited group licensing will give GMRS users more repeaters to use.

501(c)(3) STATUS THE BEST CRITERIA FOR LICENSING

While I agree with the Commission that there is nothing inherent in tax exempt status that qualifies an organization for licensing on the GMRS, I still believe that this is the absolute best vehicle for keeping organizational licensing to a controlled minimum.

The Commission itself agrees that 501(c)(3)s inherently deserve some benefit in licensing (the Commission normally waves licensing fees for these groups). Extending special privileges to these groups allows them to further serve the community. While nothing inherent qualifies these groups for using the GMRS, the nature of the GMRS makes it a perfect service for their communication needs. This is due to its high capabilities and relatively low usage.

Further, the Commission's previous ban on further organizational GMRS licensing was aimed specifically at commercial users of the allocation, although the ban also affected non-commercial entities. Requiring new organizational licensees have tax exempt status will prevent these commercial users from returning to the service.

Opponents claim that there are too many tax exempt groups in the U.S. (more than 600,00 organizations), and that these groups might monopolize the GMRS. However, there are millions of people in the nation that are eligible to hold GMRS personal licenses and only a very miniscule amount actually do. In fact, increased use of the allocation should be seen as a benefit, given the current low level of activity on the allocation.

Further, the scope of RM-9107 is aimed at public service organizations, like REACT International, the American Red Cross, and the Salvation Army. Granted, there are a great many 501(c)(3) organizations that indeed do not qualify as "public service organizations." However, there is every reason to believe that only those groups with an inherent need for radio communications are likely pursue GMRS licensing.

PRSG's ACCUSATIONS CARRY NO WEIGHT

In its comments the Personal Radio Steering Group makes a number of accusations about the operating behavior of public service organizations, but backs them up only with a simple "our research indicates." No reliable statistics are offered to substantiate their claims.

For this reason the PRSG's arguments concerning the track record of public service groups are anecdotal, and can therefore be dismissed as unreliable. The valuable service provided by these groups, and the professional operating habits they display are well known to the Commission and other Federal entities, including FEMA. Those habits

were also well known by former President Ronald Reagan when he awarded the President's Volunteer Action Award to REACT International.

In my own experience I find that individually licensed personal users of GMRS commit the kinds of rules violations cited by the PRSG much more frequently than do well trained volunteer communicators. In fact, during the rule making that created the Family Radio Service, the Commission itself agreed that in its experience, individual licensing was not a deterrent to rules violations.

In cases where group licenses are issued to public service organizations there is a lower likelihood of rules violations, as each member of the organization has a stake in protecting the group's license, and in seeing that his or her fellow members also operate in accordance with Part 95A. The groups are then able to police themselves. By taking proper sanctions against violating members they are actually able to ease the enforcement burden placed on the Commission. This type of "self enforcement" has worked on other services, such as the Amateur Radio Service.

While the PRSG feels that these types of public service operations "have no place being mixed with family and personal users" PRSG itself admits that it has "long recommended that GMRS applicants . . . construct and operate heir new stations on the 675 channel if no emergency or traveler's assistance operations exists in their area." (Comments of Corwin D. Moore, page 12)

PRSG and the Commission both acknowledge the special nature of the 462.675 / 467.675 MHz repeater pair, and both encourage users to make repeater installations on this pair for the sole purpose of handling motorist assistance and emergency calls from GMRS licensees. Under PRSG's own admission, then, these types of operations are completely within the scope of General Mobile Radio Service. Allowing limited organizational licensing will encourage them while minimizing the potential interference that all-out organizational licensing once caused.

BENNETT KOBBS OFFERS NO VIABLE ALTERNATIVES

In his petition Mr. Bennett Kobb suggests that the capabilities of the Family Radio Service are "quite desirable" for performing public service. While this may be true for very short range communications, that service does not meet the needs of such organizations as the American Red Cross. During drills and disasters there is a critical need of medium range communications, from approximately 3 to 30 miles. GMRS repeater stations provide the perfect solution, and organizational licensing allows these groups to use the GMRS much less expensively and much more flexibly.

Mr. Kobb claims one source for his argument that the FRS has capabilities perfectly suited to public service: commercial advertising for FRS radios. I'm certain the Commission is well aquatinted with the potential real world communications range of the FRS. The claims of over zealous advertisers do not change the fact that the limited

allowable ERP (500 milliwatts) of stations in the FRS make it completely useless for medium range disaster and emergency communications.

Those few organizations that would best be served by the FRS are likely to pursue that route, even if GMRS organizational licenses are available, based solely on the difference in cost of equipment. The high cost of establishing and maintaining a GMRS repeater will no doubt lure them to pursue the FRS as a viable alternative.

For those organizations that have some need of medium range communications an organizational GMRS would still be appropriate. In those situations where truly short range communications are needed, GMRS simplex could be used on the seven interstitial frequencies on 462 MHz

The disaster relief organizations that would qualify under this petition (like the American Red Cross) need the medium range capabilities repeaters offer in order to conduct their business, which benefits the common, public good.

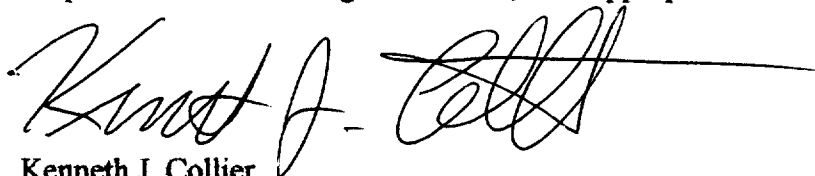
CONCLUSION

I believe that a sensible compromise can be devised which would allow tax exempt public service organizations to hold GMRS licenses while protecting the current personal users of the band from interference. RM-9107 represents just such a workable compromise.

Several issues need to be ironed out. For instance, in my original petition I suggested that the Commission institute a higher licensing fee for GMRS organizational licensees than for personal licensees. This was aimed at deterring those organizations best served by other, less costly, services to pursue them as an alternative to GMRS licensing,

It has been correctly pointed out by both the PRSG and other commenters that the Commission has a policy of charging IRS 501(c)(3) organizations no licensing fees. With this in mind, I respectfully withdraw my original provision. Should RM-9107 be passed I recommend that the Commission extend the waiver of these licensing fees to include organizational users of the GMRS.

In conclusion, Kenneth J. Collier respectfully requests that the Commission immediately adopt RM-9107 amending C.F.R. 95A, with appropriate modifications.

A handwritten signature in black ink, appearing to read 'Kenneth J. Collier', with a long horizontal line extending to the right.

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